



Office of Arts, Culture & Entertainment

SPECIAL EVENTS PERMIT REQUIREMENTS AND GUIDELINES

The City of Miami Beach welcomes a wide variety of special events that enrich the community for both visitors and residents. A myriad of exciting venues exist throughout the City. From spectacular beaches to charming streets and walkways, every site offers unique attributes to complement a proposed event. Recognizing the popularity of the City of Miami Beach and its desirability as a special event location, before a permit is issued, every event is scrutinized to ensure that it is compatible with the surrounding neighborhoods and complements the ambience and aesthetics of the area in which it is presented.

This Special Events Permit Requirements and Guidelines package has been designed to help guide applicants through the process of applying for a special events permit, and to minimize disruption to the impacted surrounding environment. Applicants will also be asked to present proposed special event activities to potentially impacted neighborhood associations, which will be encouraged to comment on said proposals. The City Manager will consider these comments before granting a permit.

The Special Events Liaison will assist in reviewing the requirements and guidelines referred to herein to ensure a successful event.

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CITY OF MIAMI BEACH

I. SPECIAL EVENTS OFFICE

A. APPLICATION & PERMIT

A City of Miami Beach Special Events Permit is required for any organized event which takes place on public property, or private property where such event would not normally be allowed based on zoning, Certificate of Use or Business License. The Special Events Application form must be completed and submitted to the Office of Arts, Culture & Entertainment no less than 90 days in advance for beach events, east of the Coastal Construction Control Line, and 60 days in advance for non-beach events. The City Manager may, in his/her discretion, reduce or waive the submission periods for a particular event when such waiver is found to be in the best interest of the City. In such cases as may be accommodated, the application and permit fees will be doubled for late submissions. The City Manager or the Manager's designee will determine specific requirements for the event, and City Departments will determine minimum staffing levels. The City Manager, or designee, will make a final determination on an application for a permit within seven days after all Special Events requirements applicable to an event have been fulfilled. Such requirements must be fully completed by the applicant no later than two (2) weeks prior to the event, including payment for City services. Some requirements may require more time. No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times. The City Manager, or the manager's designee, shall have the sole discretion and authority to approve, approve with conditions, deny and/or revoke permits for special events.

Monthly reports of all new applications will be provided to the Commission.

The minimum requirements to apply for a Special Events Permit are:

- * Completed application and a \$250.00 non-refundable Application Fee.
- * \$250.00 Permit Fee, refundable if application is denied.
- * A minimum \$2,500.00 refundable Security Deposit, and depending upon the scope and nature of the proposed event, the City may use its discretion to increase amount.
- * An original notarized, completed Indemnity Agreement.
- * Certificate(s) of Insurance per occurrence for at least \$1,000,000 US dollars, naming the City of Miami Beach as an additional insured and policy holder.
- * Site plan of event, showing all temporary installations, in relation to the surroundings.
- * Completed questionnaire describing the event.

The Manager may, in his/her discretion, waive permit fees, including but not limited to, rental fees for particular City properties, square footage rates for exclusive use of public property, and concessions agreements for paid admissions fees, and sale of food, beverage and merchandise on public property, for events produced by 501(c)3 non-for-profit organizations, when such waiver is found to be in the best interest of the City, significantly impacting and benefiting the community of Miami Beach. No waivers are allowed for personnel based expenses.

B. CHECKLIST

Once the application, fees, and site plan have been submitted, the Special Events Liaison will indicate the specific requirements the applicant will need and the time frame for completing these requirements.

C. SITE PLAN

A final site plan must be submitted 30 days prior to the event and must show a detailed diagram drawn to scale of the event including: the location of concession booths, portable toilets, dumpsters, public, emergency and accessible routes, location of stages and entertainment and orientation of loudspeakers, locations for electricity and water, and other relevant elements. Once the site plan is approved it cannot be altered without the prior consent of the City.

A preliminary site plan for beachfront events shall be submitted no less than 90 days prior to the event. A narrative describing all temporary installations must be attached for beachfront events. "Beachfront" is described herein as seaward of the Coastal Construction Control Line. A final site plan for beachfront events must be received no later than 60 days prior to the event.

D. INDEMNITY AGREEMENTS

An Indemnity Agreement must be executed and notarized with an original signature and the company seal must be affixed to the document.

E. INSURANCE REQUIREMENTS

The City of Miami Beach must be named as an additional insured and policyholder on all insurance certificates issued for the event.

All insurance policies must be issued by companies that are authorized to do business in the State of Florida, and have a rating of B+VI or better in the current edition of Best's Key Rating Guide.

The Certificate of Insurance must state the time, date, location and name of the covered event, including set-up and breakdown day(s), date(s), and time(s). Applicants have the option of submitting a Certificate of Insurance for each policy year.

The City's Risk Manager must approve the Certificate of Insurance. Once approved, the Certificate will be kept on file in the Risk Management Division.

The City of Miami Beach reserves the absolute right to increase these requirements, as necessary, to protect the interests of the City, including an increase in the amount and type of coverage required, depending upon the scope and nature of the special event.

COMMERCIAL GENERAL LIABILITY

Commercial General Liability insurance, on an occurrence form, must be obtained in the amount of at least \$1,000,000 per occurrence for bodily injury, death, property damage, and personal injury. The policy must include coverage for contractual liability.

WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY

Contractors must submit proof of Workers' Compensation and Employer's Liability in the form of a Certificate of Insurance. All other State regulations apply.

LIQUOR LIABILITY

If alcoholic beverages are to be sold or served at the event, the group or individuals selling or serving the alcoholic beverage must obtain Liquor Liability Insurance in the minimum amount of \$1,000,000. The sale of alcoholic beverages must be in compliance with the Liquor Control Regulations of the Code of the City of Miami Beach.

F. SECURITY DEPOSIT OR PERFORMANCE BOND

A minimum \$2,500.00 refundable security deposit will be required no later than 30 days in advance. Depending upon the scope and nature of the proposed event, the City may use its discretion to increase the amount and may require a security bond, letter of credit, or a cashier's check made payable to the City of Miami Beach. Based on the scope and location of the event, a pre and post event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate damages, if any.

Any post event balance or fines owed to the City of Miami Beach, its employees, Departmental or Facility charge/expense, damage, repair or replacement cost(s), et. al., will be deducted from the security deposit or performance bond. Any amount exceeding the security deposit will be cause for non-acceptance of any application in the future. Such applications will not be considered until all accounts receivable are paid in full. No Special Events Permit will be issued until all delinquent payments for any License Fee, Code Enforcement Lien, Special Assessment Lien and/or any other debt or obligation due to the City under State or local law has been paid in full.

G. BEACH VEHICLE ACCESS TO THE BEACH

Certain events taking place on the beach may require vehicular access to the beach. There is a vehicle access fee of \$150.00, per vehicle, per event. A Vehicle Beach Access Permit will be issued by the Special Events Office and must be displayed on the windshield of any vehicle on the beach. All such vehicles must be escorted on/off the beach by either City of Miami Beach Off Duty Police or Beach Patrol or such other personnel employed by the special event producer and acceptable to the City.

H. BOOKING POLICY

A special event shall not be booked if it interferes with a previously scheduled activity or repair work scheduled for a site. An event should also not interfere with any other scheduled event. The City Manager, or the manager's designee, may take into account simultaneously occurring events in the region or other factors that would impact the city's capability to host an event before approving an event. Public locations are usually booked on a first-come, first-served basis, but a priority will be given to pre-established, annual events. The City does not offer multi-year permits.

The City of Miami Beach, through the City Manager or designee, reserves the right to approve, approve with conditions, deny and/or revoke any Special Events Permit.

In no case shall a permit be issued for more than four (4) consecutive days or five (5) non-consecutive days during the course of a calendar year. A separate Special Events Permit shall be required for each individual venue of a multi-venue event.

Consecutive-Day Clause: The City Manager will have, at his/her discretion, the ability to approve a Special Events Permit for events which exceed the consecutive day clause. The City Manager has at his/her discretion, the authority to amend, modify or temporarily suspend the permits for such events.

Use of Public Property: Permit holders will be charged a net square footage rate of \$.25 per square foot for public property occupied by the event for stages, booths, displays or areas restricted for exclusive use by the event. The Manager may, in his/her discretion, waive this fee for events by non-for-profit corporations, or a particular event when such waiver is found to be in the best interest of the City. Notwithstanding the foregoing, the City recognizes the intrinsic historical, social, and cultural significance and importance of certain longstanding special events held continuously, on an annual basis, within the City. In recognition of such traditional longstanding events, special events in continuous annual operation since 1985 (Miami Beach Festival of the Arts and Art Deco Weekend)(Miami Beach Festival of the Arts and Art Deco Weekend) are herein deemed "grandfathered in" solely for purposes of this user fee and shall not be subject to this user fee.

In the case that the permit holder is operating under a concession agreement with the City of Miami Beach, the net square footage rate may not be applicable.

Rides, Amusements: The City of Miami Beach does not allow for profit carnivals, amusement parks, or carnival-related mechanical amusement rides.

***I.* MARKETS**

The City Manager has, at his/her discretion, the ability to issue, modify or revoke, through the consecutive-day clause, a Special Events permit for neighborhood weekend markets, as reviewed and recommended by the appropriate neighborhood association. The City Manager has at his/her discretion, the authority to amend, modify or temporarily suspend the permits for the markets. Market producers are required to enter into a concession agreement with the City. There will be no compensation to third parties, except as approved by the City.

***J.* NEIGHBORHOOD ASSOCIATIONS**

Events planned in the City of Miami Beach are subject to review and recommendation by the corresponding neighborhood association(s). Applicants will be required to present their plans to the appropriate neighborhood association. In the case where there is no legally constituted/recognized association and the expected attendance exceeds 1,000, the matter will be referred to the City of Miami Beach Planning Board for review and recommendation. The City Manager's Office will identify the appropriate neighborhood associations for the review of applications.

Recommendations from the respective associations or the Planning Board stating its position on the proposed event should be submitted to the Special Events Office at least 30 days prior to the event.

The City Manager shall consider recommendations from these associations in determining whether to grant a Special Events Permit or what conditions to impose upon granting of the permit. Notwithstanding the foregoing, the City of Miami Beach, through the City Manager or designee, reserves the right to approve, approve with conditions, deny and/or revoke any Special Events Permit. Permits may not be transferred, assigned or sublet, without prior written approval of the City of Miami Beach. The final decision for authorization of a City of Miami Beach Special Events Permit remains with the City Manager, or designee, subject to an appeal as follows. In the event of a lack of consensus between the neighborhood association or Planning Board and the City Manager regarding a decision on a permit, the association or Planning Board may appeal the Manager's decision to the Mayor and City Commission for consideration at their next available meeting. The appeal must indicate in writing the association's reasons for disagreement with the Manager's decision in issuing or denying the permit being appealed, including the manner in which the Manager abused his discretion in the matter, if any. Such appeal also must be accompanied by a written resolution of a majority of the board of the association, or the Planning Board, indicating the decision of the board to file the appeal. The Mayor and City Commission may affirm, modify or reverse the decision of the City Manager. If the date scheduled for the proposed event arrives before the next available Commission meeting, the decision of the Manager will be final. If approval of the proposed event is delayed such that the event cannot be held on the date(s) and time(s) specified in the permit application, or if the event is not approved at all, the City of Miami Beach will not be held liable for any expense(s), losses, or liabilities or other inconveniences incurred by the applicant as a result of same.

Upon written request, names can be added to the distribution list for neighborhood association special events meeting notices.

K. COORDINATION OF CITY SERVICES

Special events often require the hiring of City of Miami Beach employees. The City of Miami Beach Administration will determine minimum staffing levels, with recommendations from the relevant Department Directors. The City of Miami Beach assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

Fully paid receipts/invoices for required City services and equipment rental must be submitted to the Special Events Office no less than two (2) weeks prior to an event. Any additional services rendered by the City for the event will be charged to the applicant and may be deducted from the security deposit. When City personnel are employed, there will be a four (4) hour minimum charge rendered by the appropriate Department to compensate each employee engaged by the applicant.

Depending upon the scope and nature of an event, the City may require the applicant to hire a City employee as an overall On-Site Coordinator, whose responsibility will be to ensure that all services are provided, the event runs smoothly, and that all State, Federal and municipal rules, regulations and ordinances are complied with. This employee will act as the City Manager's designee at the event and will have the authority to make both on and off-site decisions regarding the event.

II. POLICE DEPARTMENT

A. OFF DUTY POLICE SERVICES

Depending upon the type of special event and estimated attendance, off-duty police personnel may be required.

Cost of police personnel is dependent on the number and rank required. As a general rule, if four or more officers are required, one must be a supervisor (sergeant or above). Larger contingents of officers may require additional police supervisors.

Payment for off-duty police services, based on the estimate, is required to be paid in full no less than two (2) weeks in advance of the event. Payment adjustments for off-duty police services, based on a final invoice, is required to be paid in full no more than two (2) weeks after the event. The Chief of Police or his designee will make the final determination of minimum levels of Police security.

Public Safety & Crowd Control -- The City of Miami Beach Police Department may require off-duty police personnel for crowd control, traffic control and general security during the event. The minimum number of police personnel is dictated by the Off-duty Police Coordinator and is dependent upon the type of event, date of event, time of event, location of event, the site plan for the event, the type of entertainment during the event, whether alcohol is consumed at the event, and the estimated attendance at the event.

Overnight & Backstage Security -- Applicants may contract, at their own expense, for off-duty police services or with private security guards for overnight and backstage security concerns. On-stage security will be handled by private security at the applicant's expense.

Marine Patrol -- All water-based special events, or those activities likely to attract crowds to or near the water, must provide prior written notice to the Miami Beach Police Marine Patrol and Beach Patrol. Certain events may require off-duty services and equipment from the Marine Patrol, at the expense of the applicant.

Police Escorts for Entertainment -- If so requested, the City of Miami Beach may supply police motorcycles or car escorts for entertainers. This service must be arranged in advance of the event and must be listed in the proposal for the event. The cost for this service is at the applicant's expense.

B. STREET CLOSURES

Certain streets within the City of Miami Beach may be temporarily closed to limit or exclude vehicular and/or pedestrian traffic prior to, during, and after any special event. Depending upon the location, additional approval may be required from Miami-Dade County or the State of Florida. The City, in its discretion, may also require applicants to provide "sign-offs" showing approval from a majority of landlords and/or residents or their group representatives whose direct vehicular access to buildings will be affected by the proposed closure. Regardless of the jurisdiction, the Chief of Police must first approve street closures and final authority is retained by the City Manager. Notwithstanding the foregoing, the City recognizes the intrinsic historical, social, and cultural significance and importance of certain longstanding special events held continuously, on an annual

basis, within the City. In recognition of such traditional longstanding events, special events in continuous annual operation since 1985 (Miami Beach Festival of the Arts and Art Deco Weekend) are herein deemed "grandfathered in" and shall not be subject to this "sign-off" requirement.

In closing a State street (i.e., Collins Avenue, 41st Street, Alton Road and Harding Avenue) prior approval is required by the City of Miami Beach Chief of Police and City Manager. The application must be processed at least 30 days prior to the event. The applicant must then forward the completed application to the Florida Department of Transportation (FDOT) to receive its permit. DOT must receive application at least 30 days prior to the event to be considered for approval.

In order to close a County street (i.e., Venetian Causeway/17th Street) the application will be forwarded to the Dade County Public Works Department by the Miami Beach Police Department at least 30 days in advance.

C. BARRICADES & ELECTRONIC SIGNS

Barricades and electronic directional signs may be required, depending upon the location and/or site plan of the event, to cordon off the surrounding areas or to close streets to vehicular traffic. The City of Miami Beach Police Department, along with the Parking Department, will determine the number and location of barricades.

The rental cost of barricades and electronic directional signs will be incurred directly by the event producer. Payment is the sole responsibility of the applicant, as is actual set-up and removal of barricades on the event date(s).

D. PARADE REQUIREMENTS

Miami Beach City Code Section 106-346 defines "Parade" as any march or procession consisting of persons, animals, vehicles or any combination thereof, traveling upon any public way, within the territorial jurisdiction of the City. Pursuant to this Code Section, a separate permit to hold a parade must be obtained from the Chief of Police. The permit application must be filed not less than 15 days nor more than 90 days prior to the day on which it is proposed to be held, and simultaneously copied to the Special Events Office.

The Chief of Police may revoke a parade permit at any time he determines the parade is to be conducted or is being conducted in violation of the terms of issuance. Any applicant aggrieved by the Chief's decision may appeal it to the City Manager.

E. DEMONSTRATIONS, PICKETS AND FREE SPEECH ACTIVITIES

Demonstrators have the constitutional right to assemble and speak in a peaceful and orderly manner. Demonstrations and pickets are those activities which are generally performed in public in support of or against a person, cause or activity and which may have the potential for impeding movement along a public right of way or other disruption. Organizers of such events are asked to submit a questionnaire, site plan, and to notify the City of Miami Beach Police Department Patrol Division Commander of their intentions, and to provide details of the planned activity in order to

insure safety for all concerned. If requested by the Special Events Office, a copy of an approved Police plan should be provided. There may be instances where the nature of the demonstration and/or the number of demonstrators or picketers will require restrictions in order to protect the health, safety and welfare of every citizen by means of providing crowd control, traffic control and general security to the public.

F. BEACHFRONT CEREMONIES

A Special Events Permit will be required for beachfront ceremonies that include the set-up of temporary structures (e.g. tents, tables, etc.). Ceremonies that do not include the set-up of temporary structures do not require a permit, but organizers of such events are asked to submit a questionnaire, a site plan and hire off-duty police personnel. Beachfront concessionaires must be notified, if applicable. Beachfront operations may not be in any way obstructed.

III. FIRE DEPARTMENT

A. OFF DUTY FIRE & PARAMEDIC SERVICES

Depending upon the type of event and estimated attendance, off-duty fire rescue personnel may be required at the expense of the applicant. As a general rule, a minimum of one paramedic for up to 5,000 people and two paramedics for up to 10,000 people, and a rescue unit for over 10,000 people, which consists of 2 paramedics and a team leader, are required. The City of Miami Beach assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

The final decision for the minimum number of Fire Rescue/Prevention personnel required will be determined by the Fire Chief or designee.

B. ENCLOSED EVENTS SITE PLAN AND OCCUPANT LOAD

Site plans for enclosed events requiring fencing or tenting must be submitted for review and approval to the City of Miami Beach Fire Department. Building Department permits cannot be issued until the Fire Department approves the event site plan. Non-substantial on-site adjustments to site plans may be made in consultation with and approval of the City of Miami Beach Fire Marshal, or his designee.

Enclosed events are required to adhere to an occupancy number, as well as comply with the existing requirements determined by the City of Miami Beach Fire Department, once site plan is approved. A walk-through to verify that the actual setup meets with the approved plan will be conducted prior to the event opening. Event promoters are responsible for adhering to the determined occupancy number and any violation of the occupancy number can result in penalties and /or fines.

C. FIREWORKS PERMIT

All events, public or private, featuring a fireworks display or pyrotechnics must obtain a fireworks permit from the City of Miami Beach Fire Department. A written request for the permit must be

submitted to the Fire Department at least 30 days prior to the event and approved no later than 11 days prior to the event.

Following approval of the permit, the Fire Prevention Bureau will make a site inspection. A minimum of two (2) fire fighters will be required to be on-site from the time the fireworks are delivered at the site, until termination of the display and the removal of all fireworks and debris from the site. Payment for required fire and police personnel will be the sole responsibility of the applicant and must be made two (2) weeks prior to the event.

The firm or individual responsible for setting up and setting off the fireworks must obtain a Comprehensive General Liability or Fireworks Display Liability Insurance policy. See insurance section for language and rating requirements.

D. OPEN PIT AND BONFIRE PERMIT

Separate permits are required for open pit and bonfires. Applications for a permit may be obtained from the Fire Department, and must be approved and paid to the City of Miami Beach at least two (2) weeks prior to the event. These activities will require hiring off-duty fire personnel.

IV. BUILDING DEPARTMENT

A. BUILDING AND ELECTRICAL PERMITS

Pursuant to the South Florida Building Code, the City of Miami Beach Building Department for all special events involving temporary construction or the use of temporary electrical power must issue a building permit. Examples of temporary construction include, but are not limited to: freestanding tents, stages, fences, bleachers, and electrical. The applicant must present a copy of the Building Permit to the City's Special Events Office at least two (2) weeks prior to the event.

B. AMERICANS WITH DISABILITIES ACT

All special events must be designed and operated in a manner to be in Compliance with Chapter 553, Florida Statutes (The Florida Accessibility Code). The following checklist is provided for guidance as to how compliance must be achieved:

- * For portable bathroom facilities, a minimum of one of the facilities must be wheelchair accessible and meet applicable codes. The proper accessible portable toilet to use is the "Dade County ADA" model.
- * All accessible pedestrian routes from accessible parking to the event must be equipped with curb cuts or temporary ramps. All ramps must meet applicable codes.
- * Additional disabled parking must be provided and staffed. A disabled parking area must be designated and located near to the main entrance and accessible to pedestrian routes. Necessary signs must be provided to indicate this parking area. An accessible shuttle may be used for remote parking areas.

- * All displays and exhibits must be located on accessible routes with no physical encroachments that are 44 inches in width to allow clearance for wheelchair attendees. All display items should be located no higher than 48 inches to allow a parallel approach by a person in a wheelchair; for forward approaches, the maximum height must be 48 inches. Vendors who cannot meet these standards must be willing and available to accommodate patrons who are disabled by coming out from the booth when assistance is required. Displays, events and concessions should be set up on existing hard surfaces where possible, and areas with tree roots and rough terrain are to be avoided when only grassy area are available.
- * All flyers and written promotional materials for the event should be made accessible to people with disabilities, including those with hearing and visual impairments. It is recommended that the following statement be included on promotional materials: "Call [your number followed by word "voice"] to request material in accessible format; sign language interpreter (5 days in advance), or information on access for persons with disabilities". Sign language interpretive services must be provided when properly requested five days in advance of the event.
- * For performers who are disabled, all stages, show mobiles and dressing areas must be accessible.
- * All ADA considerations must be identified detailed on the site plan. The site plan will be submitted to the Building Department Accessibility Plan Reviewer for approval.

V. PARKS AND RECREATION DEPARTMENT

A. FACILITIES AND PERSONNEL

Many City of Miami Beach recreation facilities, amphitheaters, and parks are available for rent for special events, and have specific fees, based upon hours of usage, including setup and breakdown times. Rental payments for such facilities must be made two weeks prior to the event. Proof of payment must be submitted to the Special Events Office. Applicable user criteria will be available for park venues through the Parks & Recreation Department.

Depending upon the venue, nature and scope of the event, the hiring of City of Miami Beach Parks personnel may be required. A City facility (e.g., a building) used for a special event must be staffed by a City employee. Payment for the staffing is the sole responsibility of the applicant, and must be received no later than two (2) weeks in advance of the event.

B. LUMMUS PARK AND LINCOLN ROAD USER FEE

For events east of Ocean Drive, in Lummus Park and the beachfront, between 5th and 14th Street, a Special Events Impact Fee will be imposed. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used exclusively for landscape enhancement of Lummus Park. Due to the fragility of underground sprinkler systems in Lummus Park, Parks Department personnel will be required to escort any vehicles in and out of this area.

For events taking place on Lincoln Road, or Lincoln Lane, a Special Events Impact Fee will be imposed. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used to enhance Lincoln Road. Due to the fragile and pedestrian nature of Lincoln Road, no motor vehicles are allowed between Washington and Lenox Avenues.

Notwithstanding the foregoing, the City recognizes the intrinsic historical, social, and cultural significance and importance of certain longstanding special events held continuously, on an annual basis, within the City. In recognition of such traditional longstanding events, special events in continuous annual operation since 1985 (Miami Beach Festival of the Arts and Art Deco Weekend) are herein deemed "grandfathered in" solely for purposes of this user fee and shall not be subject to this user fee.

VI. BEACH PATROL

Depending upon the location and type of event, estimated attendance, and hours of operation, off-duty lifeguards may be required. The Captain of the City's Beach Patrol will determine the minimum number of lifeguards.

VII. CONCESSION AGREEMENTS

The City of Miami Beach currently has individual agreements with beachfront concessionaires who make monthly payments to the City. All events which include retail sales or vending will be required to enter into a written concession agreement with the City of Miami Beach which provides 10% of all gross revenues derived from admissions and the sale of food, beverage and merchandise. In the case where a producer rents booths for the sale of food, beverage and merchandise, the gross rate shall be calculated on the rental and/or concession revenues received by the applicant or the gross revenue generated by the concessions regardless of whether the applicant derives direct or indirect financial gain from such revenue. Copies of concession agreements and full disclosure of all principals must be provided to the Special Events Office.

A certified audit, conducted by a Certified Public Accountant, of the above referenced revenue along with payment of the aforementioned percentage, must be provided to the City no later than thirty days following the event. The Security Deposit on file will not be released until said statement and payment have been made and accepted by the City.

Notwithstanding the foregoing, the City recognizes the intrinsic historical, social, and cultural significance and importance of certain longstanding special events held continuously, on an annual basis, within the City. In recognition of such traditional longstanding events, special events in continuous annual operation since 1985 (Miami Beach Festival of the Arts and Art Deco Weekend) are herein deemed "grandfathered in" solely for purposes of this user fee and shall not be subject to this user fee.

Under the terms of an agreement between the City of Miami Beach and beachfront concessionaires there exists exclusivity for rental of beach equipment, water and recreational equipment, food and beverage service on the beachfront East of the coral rock wall at Pier Park (Biscayne Street to First

Street), Ocean Front Park (Second to Third Street) and Lummus Park (from Fifth to Fourteenth Street). Any proposed special event to be held on the beach within the concessionaire's jurisdiction is subject to review by the concessionaire, which may choose to operate the concessions. Notification to the concessionaire by the applicant must be in writing at least 60 days prior to the event. A copy of the applicant's agreement with the concessionaire or a letter of release from the concessionaire must be submitted to the City Special Events Office at least 30 days prior to the event.

Up-land Concession Areas. Licenses to operate beachfront concessions have been issued to certain upland property owners from 15th to 83rd Streets. A written release from these concessionaires must be made in writing and submitted to the Special Events Office at least 30 days prior to the event.

VIII. SANITATION DEPARTMENT

Special event producers are solely responsible for cleaning the area during and after the event. Should the applicant choose, the City of Miami Beach will provide personnel for this function. The cost of the cleanup will be calculated by the City, and will include dumping fees and equipment rental. Should an alternate cleaning service be contracted, the applicant shall be responsible for obtaining all necessary dumpsters. All arrangements and removal of garbage, trash, and other debris are the sole responsibility of the applicant. A City permit authorizing placement of dumpsters must be obtained through the Sanitation Department, and submitted to the Special Events Office no less than two (2) weeks prior to the event. Applicants are required to meet sanitation standards to assure an adequate number of litter containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. Glass containers and plastic straws are prohibited. Recycling efforts are encouraged. Applicants shall ensure that the site is returned to its original condition within twenty-four hours. Failure to clean up after the event will result in a fine issued to the event producer, as well as additional charges for City Services.

IX. PUBLIC WORKS DEPARTMENT

Right-of-Way Permit-- A Right-of-Way permit must be obtained when there is anchoring to or excavation of any right-of-way or City property. The method of anchoring or location of any excavation may be denied or altered by the City based on potential hazards to existing utilities. The cost for said permit will be based upon City ordinances concerning work on the right-of-ways and may include a cash bond based on estimated potential damage to City property. Proof of financial ability to cover estimated damages must be submitted to the Special Events Office. For events occurring on City streets or sidewalks, an inspector from the Public Works Department will inspect the area in question prior to the event for any hazards, potholes or damaged fixtures. Any problems will be repaired or noted. A visual inspection will take place following the event to identify any damage to City property caused by the event.

Any identified damages in the City right-of-way, on termination of the permit, will have to be repaired by the event producer within a time specified by Public Works. If the producer fails to complete these repairs in a timely manner or wishes the City to complete such restoration work, then costs incurred by the City, including reasonable overhead expenses, will be deducted from the Security Deposit and the event producer will be charged for any, such costs not covered by the

deposit as per section IF.

X. PROPERTY MANAGEMENT

Based on the electrical, engineering and or plumbing impact of a special event on City property, the applicant may be required to hire City electricians, engineers or plumbers. An applicant may be required to hire attendants to facilitate public restroom maintenance and supplies during an event. These services may be contracted through the Property Management Department. Proof of payment must be submitted to the Special Events Office at least two (2) weeks prior to the event.

XI. PARKING DEPARTMENT

OVERALL PARKING PLAN

A comprehensive Parking Plan which identifies where parking is to be provided for event staff, equipment vehicles, and event participants must be developed, in writing, and approved by the City of Miami Beach Parking Director. Public parking resources may be supplemented with privately owned parking areas to accomplish this plan. All fees incurred through use of Parking Department resources, including meter rentals, off-duty enforcement officers or rental of lots, must be pre-paid in full no later than two (2) weeks prior to the event.

XII. CODE COMPLIANCE

A. SIGNS (FLYERS) & HAND BILLS

The City of Miami Beach prohibits the distribution of flyers, handbills or stickers. Violations which carry a fine of \$50 for each sign (flyer) or handbill and a \$23 removal charge per sign will be issued by Code Compliance for violations on public property. A violation carrying a \$50 fine for each handbill placed on automobile windshields will be issued by the Code Compliance Department.

B. NOISE ORDINANCE

The City of Miami Beach prohibits unreasonable and disruptive noise that is clearly incompatible with the normal activities of certain locations at certain times. The Miami-Dade County Noise Ordinance is applicable and enforceable to both public and private property within the City. The Ordinance makes it unlawful for any person to make, continue or cause to be made any loud, excessive or unusual noise. If the excessive noise occurs between the hours of 11:00PM and 7:00AM in such manner to be plainly audible at a distance of 100 ft from the building, structure or vehicle in which it is located, this shall be prima facie evidence of a violation of the Ordinance.

If a noise violation occurs, the enforcing Code Compliance Officer will require that the noise be lowered to an acceptable level. Failure to do so, or if a second violation is confirmed within one 24 hour period, will result in the Police Department being notified. Failure to comply with a request from the Department of Code Compliance or the Police Department concerning violation of the Ordinance may result in the immediate revocation of a Special Events Permit and/or arrest.

XIII. DESIGN REVIEW

Special Event Billboard Signs -- Up to five (5) banners or billboard signs with a maximum size of 4'x8' may be approved for placement in designated public locations in the City of Miami Beach. Permits may only be requested for events that are sanctioned by the City of Miami Beach through funding support from the Miami Beach Visitor and Convention Authority or the Miami Beach Cultural Arts Council that are to be held on public property. These signs are required to have Design Review approval from the Planning Department. To obtain a permit, an application is submitted to the Planning Department, no later than 60 days prior to the event. A Building permit is also required prior to installation.

Street Banners -- Event advertising banners hung across the street are not allowed.

Lightpost Banners -- Lightpost banners are permitted when approved by the Planning Department and the Mayor and City Commission. The application process begins at the Planning Department for Design Review approval no less than 90 days in advance of the special event. Lightpost banners on State roads (i.e. 5th Street, Collins Avenue, 41st Street, etc.) require an additional permit from the Florida Department of Transportation.

Event Signage -- Sponsorship banners and signage are allowed within the designated event site only and may be displayed only during the event. Banners must be immediately removed from the site following the event. Inflatable signage is not permitted.

XIV. THE MIAMI BEACH VISITORS AND CONVENTION AUTHORITY AND CULTURAL ARTS COUNCIL

The City of Miami Beach does not directly fund special and cultural events. The Miami Beach Visitor and Convention Authority (VCA) and the Miami Beach Cultural Arts Council (CAC) utilize City funds for the purpose of special and cultural event funding. An application for funding to either the VCA and/or the CAC shall not constitute either expressed or implied approval for an event permit from the City of Miami Beach. Should the VCA or CAC fund an event, the appropriate logo shall be incorporated in all event print advertising or promotional materials.

XV. ADHERENCE TO REGULATIONS

The City of Miami Beach reserves the right to provide services that it believes are necessary and sufficient to safeguard and ensure the health, safety and welfare for all participants, visitors, businesses, staff and general citizenry. All arrangements for services or facilities shall be staffed and paid for at least two (2) weeks prior to the event. An applicant's budgetary constraints cannot dictate staffing levels required for public safety.

In addition to compliance with all applicable Federal, State and County regulations, the applicant shall comply with all City Ordinances. Any other permits as may be required by the City of Miami Beach, Miami-Dade County, the State of Florida, or the Federal Government, must be adhered to. It is the sole responsibility of the applicant to obtain all permits and comply with all requirements, including but not limited to those described herein.

The City of Miami Beach, under no circumstances, guarantees, warrants or represents that the issuance of a Special Events Permit by the City exempts the event from obtaining any permits or complying with any requirements which may be required currently or in the future by any Federal, State or local authorities.

The City Manager or designee has the authority to alter or end an event at any time it is determined necessary to assure the continued safety, health and welfare of the City's residents and visitors. Lack of compliance with the City Manager's directives, including, but not limited to, audio volume and adherence to site plan, shall be sufficient cause to warrant an event's closing or other remedies provided in the City Code or herein.

Issuance of a required Federal, State, or local permit does not authorize permission to hold an event. A City of Miami Beach Special Events Permit must be issued and will constitute authorization from the City to hold the activity.

All pre-payment schedules for City services are due, as indicated, except the City reserves the right to waive this requirement for events which have an exemplary prompt payment history with the City established over the course of at least five (5) years.

Revisions – Revisions to the Special Event Regulations and Guidelines proposed by the Administration may be approved by the City Manager. The Manager may determine that the nature of a revision(s) is such that Mayor and Commission approval will be needed in the form of a resolution.

XVI. ENFORCEMENT AND PENALTIES

Persons engaged in a special event without a permit, or otherwise in violation of a permit, this section or the Special Events Requirements and Guidelines provided for herein, shall be subject to enforcement by City police or code compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to arrest, and/or enforcement as provided for in section 1-14 of this Code, and/or notices of violation referred to Special Masters, who have authority to issue fines or enforce compliance, as provided for in Chapter 30 of this Code. Police or code compliance officers will coordinate enforcement with the Office of Arts, Culture & Entertainment. As an alternate and supplemental remedy, the City may enforce this ordinance by injunctive relief in any court of competent jurisdiction, and in such circumstance the City shall be entitled to recover its reasonable attorneys' fees and costs. For repeat offenders, the Manager or designee may decline to issue permits to such person or entity for one year, or such other period as the Manager deems appropriate.

XVII. MIAMI-DADE COUNTY

- A. **Permit for Temporary Food Sales** -- The Miami-Dade County Department of Business and Professional Regulations, Division of Hotels & Restaurants sets forth rules and regulations for safe operation of temporary food service establishments. To obtain the necessary permits, sponsors, applicants must notify the Department of Business and Professional Regulations no later than three (3) business days before scheduled events. A License fee for 1-3 day event is \$40.00 per vendor.

- B. **Beach Cleaning** -- Applicants desiring use of the public beach may arrange with the Miami-Dade County Parks Department for the cleaning of the beach, prior, as well as after, the event, as necessary. A cost estimate will be provided by Miami-Dade County, and a deposit may be required. Proof that clean-up arrangements have been made must be submitted in writing to the Special Events Office at least two (2) weeks prior to the event.

XVIII. STATE OF FLORIDA

- A. **Department of Environmental Protection, Division of Beaches and Shores** -- If an event is to be held on the beach, a State Field Permit is also necessary for all temporary non-portable temporary structures on the beach, east of the Coastal Construction Control Line. This would include, but not be limited to, the following types of temporary structures: stages, fences, tents, lighting and sound systems. A detailed site plan and written narrative description of all installations must be submitted to the Special Events Office no later than 60 days prior to the event.

Florida Statutes, Chapter 161, calls for the protection of beach dune systems and impose fines for damage caused to the natural dune systems along the Beach. It is the responsibility of the applicant to provide adequate security measures to ensure protection of the dune area from damage that may be caused by an event.

- B. **Division of State Lands** -- Depending on the type and nature of the event(s), the Division of State Lands has the right to negotiate a separate use agreement with the special event producer and will charge for the use of the land. This fee may include a contribution to the State Lands Trust Fund, as well as a use fee, and would require State of Florida Cabinet approval. If applicable, proof of the Division of State Lands approval shall be submitted to Office of Arts, Culture & Entertainment before a permit is issued.
- C. **Florida Marine Patrol** -- Any type of water activity held within the City of Miami Beach must give notice to the Florida Marine Patrol. Notice must be in the form of a letter with a copy to the City of Miami Beach provided no less than two (2) weeks in advance of the event.
- D. **Division of Alcoholic Beverages and Tobacco** -- If the event is being produced by a not-for-profit organization and it desires to sell alcohol, the organization must apply for a temporary liquor license from the State of Florida, Division of Alcoholic Beverages and Tobacco under Florida Statute 561.42. In order to obtain the license from the State, a letter of authorization must be obtained from the City of Miami Beach. Prior to the issuance of this letter the following must be submitted:
- * Certificates of all applicable insurance including, general liability and liquor liability.
 - * A completed Indemnity Agreement.
 - * A signed letter on letterhead from the non-profit organization agreeing to have the temporary liquor license in the organization's name.

E. Florida Department of Transportation -

Lightpost Banners -- Banners proposed to be placed on state road lightposts require an additional permit from the Florida Department of Transportation following Design Review approval from the City's Planning and Zoning Department and approval from the Miami Beach City Commission.

Depending upon the scope and nature of the event(s), additional State permits may be required.

XIX. FEDERAL GOVERNMENT

A. Federal Aviation Administration -- Any type of unusual air activity above the City of Miami Beach planned in conjunction with a special event which has the potential to disrupt commercial air traffic must be approved by the Federal Aviation Administration. Approval will be requested through the City of Miami Beach Administration on the applicant's behalf.

B. Coast Guard -- Any individual or organization planning to hold a regatta or marine parade which, by nature, circumstances or location, will introduce extra or unusual hazards to the safety of lives on the navigable waters under the jurisdiction of the U.S. Coast Guard shall submit an application to the Coast Guard District Commander having jurisdiction of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to: an inherently hazardous competition, possible effect on the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator's craft.

Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Commander or the District Commander may, subject to conditions set from time to time by him/her, grant a permit for such series of events for a fixed period of time, not to exceed one (1) year.

The application shall be submitted no less than 30 days prior to the start of the proposed event.

The application shall include the following details:

- 1) Name and address of sponsoring organization.
- 2) Name, address, and telephone of person or persons in charge of the event.
- 3) Nature and purpose of the event.
- 4) Information as to general public interest.
- 5) Estimated number and types of watercraft participating in the event.
- 6) Estimated number and types of spectator watercraft.
- 7) Number of boats being furnished by sponsoring organizations to patrol event.
- 8) A time schedule and description of events.
- 9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.